

IN RE: PETITION FOR ZONING VARIANCE
SW Corner Church Road and
Sunny King Drive
(601 Church Road)
4th Election District
3rd Councilmanic District
Roy Waldorf, Personal Rep. for
the Estate of Jean E. Tipton -
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-193-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side street setback of 37 feet in lieu of the required 40 feet, and a setback from the centerline of the street of 62 feet in lieu of the required 65 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Roy Waldorf, appeared, testified, and were represented by Henry J. Frankel, Esquire. Also appearing on behalf of the Petition was Louis Fritz, present owner of the property, and Joseph Larson, of Spellman, Larson & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 601 Church Road and zoned R.C. 3, was purchased by the Tipton family in approximately 1956 under a land contract purchase agreement. Upon the recent death of the last Tipton heir, the property was placed on the real estate market and was subsequently purchased by Mr. Fritz. At that time, it was discovered the variances requested herein were required. Mr. Larson testified an examination of the property indicates the existing building, as depicted in Petitioner's Exhibit 1, is the original structure and the variances requested are not as a result of any additions made subsequent to the original construction of the dwelling. Testimony indicated Mr. Fritz' lender will not approve permanent financing for the property until and unless the requested variances are granted. Petitioners argued that

there would be no detriment to the health, safety or general welfare of the community if the variances are granted.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of December, 1988 that the Petition for Zoning Variance to permit a side street setback of 37 feet in lieu of the required 40 feet, and a setback from the centerline of the street of 62 feet in lieu of the required 65 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
887-3353

J. Robert Haines
Zoning Commissioner

December 7, 1988



Dennis F. Rasmussen
County Executive

Henry J. Frankel, Esquire
19 East Fayette Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
SW Corner Church Road and Sunny King Drive
(601 Church Road)
4th Election District - 3rd Councilmanic District
Roy Waldorf, Personal Representative for the Estate of
Jean E. Tipton - Petitioner
Case No. 89-193-A

Dear Mr. Frankel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-193-A

District: 4th
Date of Posting: November 1, 1988
Posted for: Variance
Petitioner: Roy Waldorf, Personal Representative of the Estate of Jean E. Tipton
Location of property: Church Rd. and Sunny King Drive
(601 Church Road)
Location of Sign: SW front of 601 Church Road
Remarks: S. J. Fritz
Posted by: S. J. Fritz
Number of Signs: 1
Date of return: November 18, 1988

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 3, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 3, 1988.

THE JEFFERSONIAN,

S. Zebe, Publisher

PO 05768
reg M20398
case 89-193-A
price \$101.04

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 11/10/88



Dennis F. Rasmussen
County Executive

Mr. Roy Waldorf
4 Cross Keys Road
Baltimore, Maryland 21136

Re: Petition for Zoning Variance
CASE NUMBER 89-193-A
SW Corner Church Road and Sunny King Drive
(601 Church Road)
4th Election District - 3rd Councilmanic District
Petitioner(s): Roy Waldorf, Personal Representative of the Estate of Jean E. Tipton
HEARING SCHEDULED: TUESDAY, NOVEMBER 29, 1988 at 2:00 p.m.

Dear Mr. Waldorf:

Please be advised that \$116.04 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059020
DATE: 11/29/88 ACCOUNT: P-01-615-000
AMOUNT \$ 116.04
RECEIVED BY: Estate of Jean Tipton
FOR: Posting 11/29/88 hearing
887-3353 11/29/88 89-193-A
VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not

er of

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
NW Corner Baltimore & First Ave.:
13th Election Dist.:
1st Councilmanic Dist.:
BRENDA C. HARMAN, Petitioner : Case No. 89-193-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 25th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Brenda C. Harman, 6214 Groveland Rd., Linthicum, MD 21090, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-193-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.5 (R.20,205.3) to permit a side street setback of 37' and a centerline of-street setback of 62' in lieu of the required 40' and 65', respectively.

House was built not complying with the zoning regulations at the time of approval. Need of variance to establish the non-conforming setbacks.

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT
DATE: 11/29/88
AMOUNT \$ 116.04
RECEIVED BY: Estate of Jean Tipton
FOR: Posting 11/29/88 hearing
887-3353 11/29/88 89-193-A
VALIDATION OR SIGNATURE OF CASHIER

Legal Owner(s):
Roy Waldorf, P.R. of the Estate
(Type or Print Name)
A Cross Keys Road, Baltimore, MD 21136
Signature: Roy Waldorf
(Type or Print Name)
Signature: [Signature]
Address: [Blank]
Phone No.: [Blank]
City and State: [Blank]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
SPELLMAN, LARSON & ASSOCIATES, INC.
Nantuxite 107
105 W. CHESAPEAKE AVE. TOWSON, MD 21204
Address: [Blank] Phone No.: 823-3535
Attorney's Telephone No.: 532-4630

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of November, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of November, 1988, at 2 o'clock p.m.

Zoning Commissioner of Baltimore County.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-193-A
SW Corner Church Road and Sunny King Drive
(601 Church Road)
4th Election District - 3rd Councilmanic District
Petitioner(s): Roy Waldorf, Personal Representative of the Estate of Jean E. Tipton
HEARING SCHEDULED: TUESDAY, NOVEMBER 29, 1988 at 2:00 p.m.
Variance to permit a side street setback of 37' and a centerline off-street setback of 62' in lieu of the required 40' and 65' feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. Roy Waldorf
Henry J. Frankel, Esq.
File

NOTE:
IF PHASE II OF THE SAGU EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 9:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DOCKET CLERK AT 494-3391 TO CONFIRM.

LAW OFFICES
HENRY J. FRANKEL
SUITE 401
19 EAST PAYETTE STREET
THE COLONIAL BUILDING
BALTIMORE, MD 21202-1608
538-4680

MARVIN L. FRANKEL
ALBERT H. FRANKEL
DECEASED

October 6, 1988

J. Robert Haines, Esquire
Zoning Commissioner
Baltimore County Office Bldg.
Towson, MD 21204

RE: Property No. 601 Church Road
Item No. 139

Dear Sir:

The above property was settled on September 8, 1988, at which time it was discovered that the property violated the Baltimore County Setback Rule by two feet. The mortgage lending institution agreed to consummate the settlement for construction money provided a petition for variance was filed with the Zoning Commission. Once this petition was granted by the Commission, then the lending institution would proceed with providing permanent financing to the purchasers.

A petition for variance was filed on behalf of the seller and is now pending before the Commission. This variance has existed on the property, to my knowledge, since 1956. No protest or action was taken during that time by any property owner or governmental agency to remove the violation. It appears to me that no damage has been done nor will it create any problems in the future if this property owner is granted an exception to the zoning rules. It is requested that this matter be given favorable consideration by the Commission as promptly as possible, so that the matter may be satisfactorily consummated.

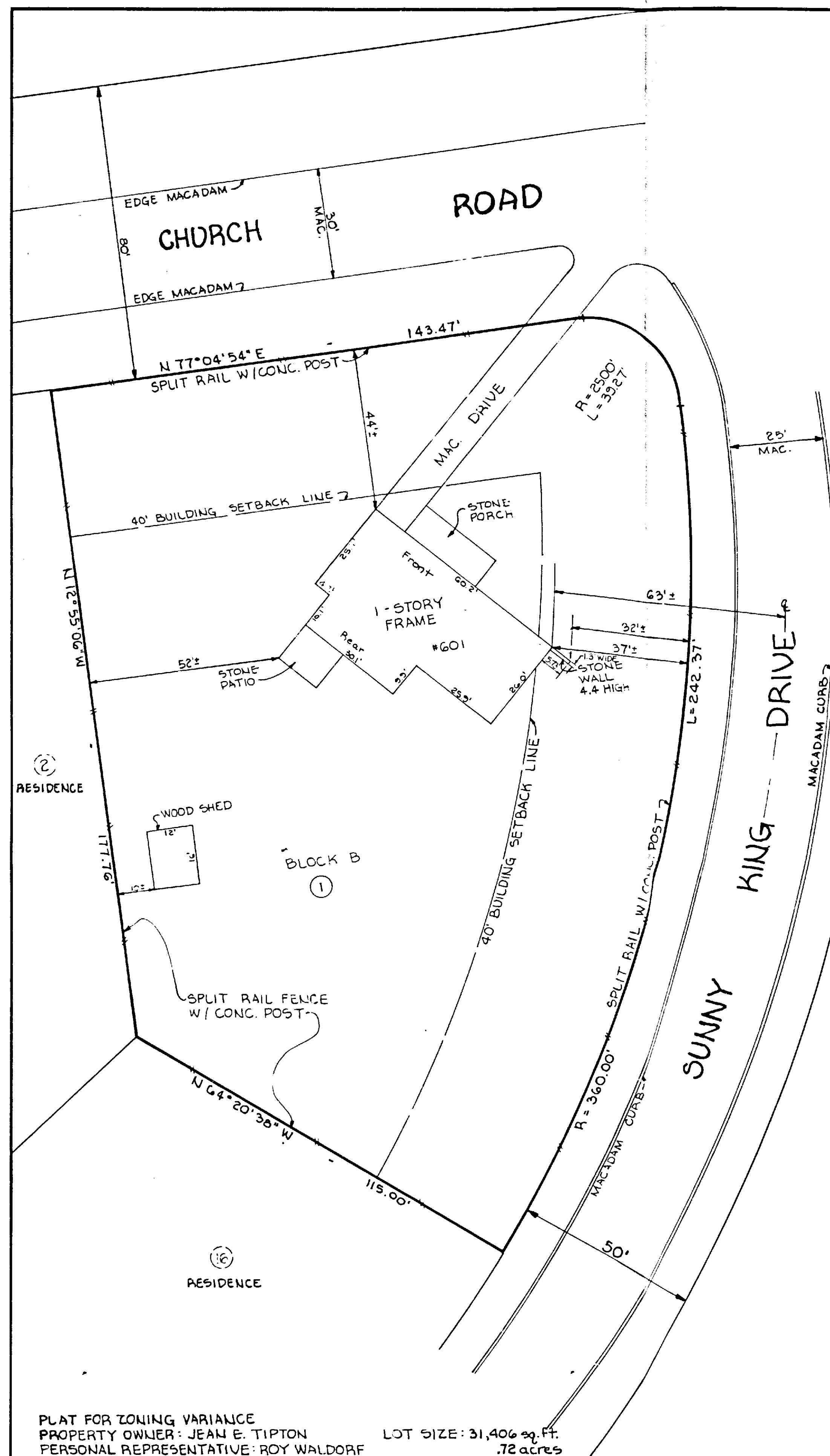
Very truly yours,

Henry J. Frankel
HENRY J. FRANKEL

HJF:jh

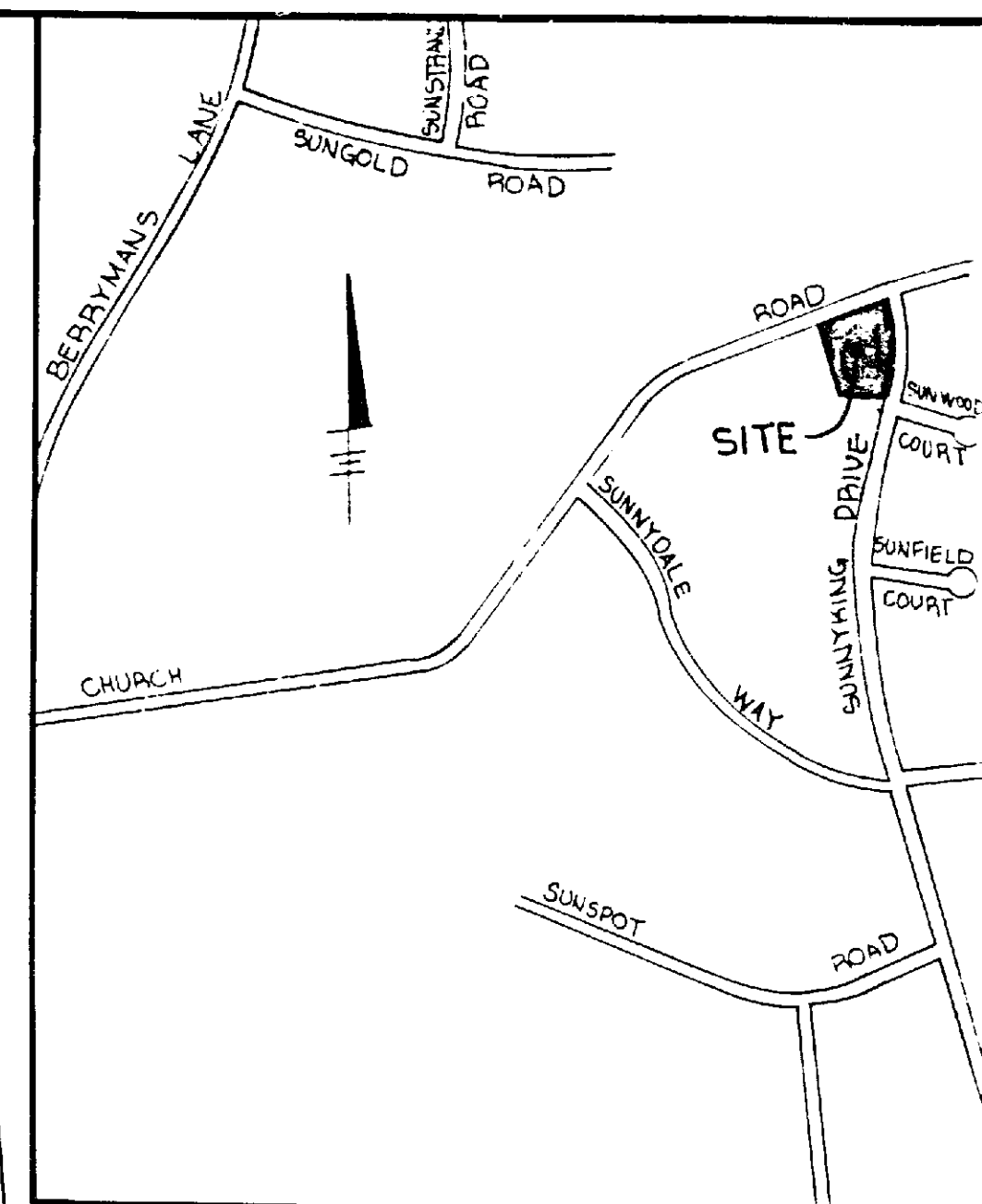
OCT 7 1988

OFFICE



PLAT FOR ZONING VARIANCE
PROPERTY OWNER: JEAN E. TIPTON
PERSONAL REPRESENTATIVE: ROY WALDORF
DISTRICT - 4, ZONED R.C. 3
SUBDIVISION - SUNNYBROOK FARMS - SECTION 5
LOT 1, BLK. B, BOOK NO. 22, FOLIO 80
PRIVATE WELL & SEWAGE DISPOSAL AREA
ZONING AT TIME OF SUBDIVISION WAS R-20.

LOT SIZE: 31,406 sq. ft.
.72 acres



LOCATION MAP
1"=500'

NOTE:
SECTION 1A04.3.B.5 (A.20, 205.3) TO
PERMIT A SIDE STREET SETBACK OF
37' AND A CENTERLINE-OF-STREET
SETBACK OF 63' IN LIEU OF THE REQUIRED
40' AND 65', RESPECTIVELY.

REVISIONER'S
EXHIBIT 1

REVISIONER'S

REVISIONS		
NO	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE

#139

#601 CHURCH ROAD



4th Election District Baltimore CO, MD
SCALE: 1"=20' DES. BY: J.L.L.
DATE: 9-7-88 DRN BY: J.S. SHT. 1 OF 1